

Exhibit D



Mark C. Johnson
mjohnson@rennerotto.com
+1.216.736.3170

September 27, 2021

WITHOUT PREJUDICE

Via Email

Keith Enos
CEO
Camman Lighting/Camman Industries, Inc.
111 Strawcutter Road
Derry, PA 15627

Re: Infringement of Beta-Calco's U.S. Patent No. D880,756

Dear Mr. Enos:

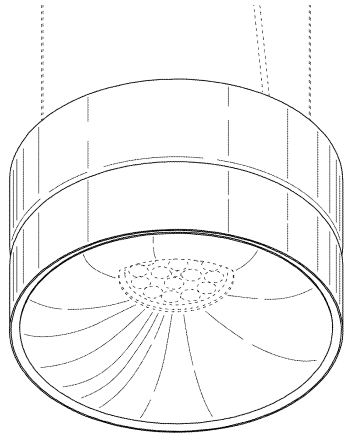


We represent Beta-Calco Inc. in connection with its intellectual property matters. Beta-Calco is the owner of numerous design patents, and its patent portfolio is supplemented by other federal and state proprietary rights including trademark and trade dress rights in the appearance and design of its products. We bring to your attention Beta-Calco's U.S. Patent No. D880,756 (the "756 patent"). A copy of the '756 patent is attached.

The '756 patent is a design patent claiming "The ornamental design for a luminaire, as shown and described." The patented design is embodied in Beta-Calco's TRIPLE™ pendant light. We recently discovered that Camman Lighting has been making, importing, offering for sale and/or selling infringing knock-offs ("the Infringing Products") of Beta-Calco's patented TRIPLE™ pendant.

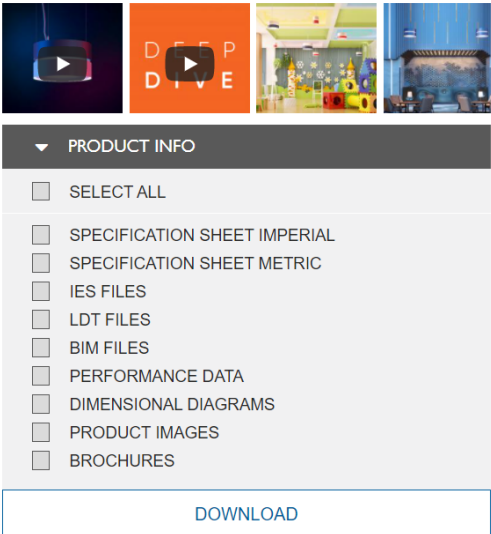
As can be seen from the comparison below, the Infringing Products are substantially the same as—if not identical to—the ornamental design of the '756 patent and Beta-Calco's TRIPLE™ pendant:

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'756 Patent, Figure 1	TRIPLE™	Infringing Product ¹
 <p data-bbox="370 751 451 781">FIG. 1</p>		

Camman Lighting's actual copying and willful patent infringement is indisputable. The project specifications for the Sorrento Valley Road project called for a light having the design of Beta-Calco's TRIPLE™ pendant light, and Camman Lighting could not have met those specifications without copying. Moreover, Beta-Calco's web site clearly indicates that the design of its TRIPLE™ is patented. For example, both the product configurator web page (<https://betacalco.com/products/triple-copy-519/configurator-copy-503>, below) and on the specification page itself (attached) provide patent notices.



PRODUCT INFO

- ☐ SELECT ALL
- ☐ SPECIFICATION SHEET IMPERIAL
- ☐ SPECIFICATION SHEET METRIC
- ☐ IES FILES
- ☐ LDT FILES
- ☐ BIM FILES
- ☐ PERFORMANCE DATA
- ☐ DIMENSIONAL DIAGRAMS
- ☐ PRODUCT IMAGES
- ☐ BROCHURES

DOWNLOAD

Power cable: Silver braided.

Drivers: HPF electronic drivers for 120-277V (EU-240V).

Remote mounting of drivers: Wire Size (max distance from canopy to drivers) 18 AWG - 9.5' (2.9m), 16 AWG - 19.5' (5.9m), 14 AWG - 29.5' (9.0m). Drivers must be accessible after installation.

Remote emergency: Emergency option provides a 1.5 hour (3 hours for EU) emergency lighting facility. The remote system includes the inverter module, NiCad batteries and a remote wall/ceiling LED charge indicator and test switch (NA only) Maximum distance between wall/ceiling plate and luminaire is 15' (4.5m). Test switch fits a single gang box (not supplied).

Mechanical: Luminaires mount directly over J box (by others - North America only).

Reported L70 @25°C (77°F): > 60,000 hrs.

Estimated L70 @25°C (77°F): > 124,000 hrs.

Delivered lumens: Delivered lumens & LPW based on 4000K (min 80 CRI).

Designed by: Serge Cornelissen.

Design: US Pat. No. D880,756

¹ See <https://www.instagram.com/p/CSNYOnIpR8c/>

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Unfortunately, this is not the first time Beta-Calco has been harmed by Camman Lighting's infringement. You may recall receiving correspondence from Renner Otto in 2009 in which we informed you of Camman Lighting's infringement of Beta-Calco's U.S. Design Patent No. 564,131 through the sales of its W219 and 0W219 fixtures, which were part of the Camman Lighting's Albany IV series. I am attaching that correspondence and related information for your convenience.

As you may be aware, the United States patent laws provide for special damages for design patent infringement. Specifically, 35 U.S.C. § 289 provides that, when a design patent is infringed, the patent owner is entitled to recover the total profits made by each of the infringers in the chain of distribution:

Whoever during the term of a patent for a design, without license of the owner,

(1) applies the patented design, or any colorable imitation thereof, to any article of manufacture for the purpose of sale, or

(2) sells or exposes for sale any article of manufacture to which such design or colorable imitation has been applied ***shall be liable to the owner to the extent of his total profit***, but not less than \$250, recoverable in any United States district court having jurisdiction of the parties.

Nothing in this section shall prevent, lessen, or impeach any other remedy which an owner of an infringed patent has under the provisions of this title, but he shall not twice recover the profit made from the infringement. (emphasis added).

Accordingly, Beta-Calco is entitled to recover the combined pre-tax gross profits of Camman Lighting, as well as the pre-tax gross profits associated with any subsequent sales of the Infringing Products.

Moreover, the patent laws alternatively allow a patent owner to collect as damages the profits it lost as a result of the infringer's activity. Beta-Calco bid on the Sorrento Valley Road project and lost that bid due to Camman Lighting's infringement. Consequently, the full extent of the profits Beta-Calco would have made had it won the bid are recoverable as damages, even if such damages exceed the profits made by Camman Lighting.

Additionally, and perhaps more importantly, given Camman Lighting's clear willful infringement and history of infringing Beta-Calco's patents, Beta-Calco would likely be able to obtain treble damages and also recover its attorney fees incurred enforcing its patent. Accordingly, Camman Lighting's realistic downside if it fails to meet all demands below includes ***three times the profits Beta-Calco would have made on the Sorrento Valley Road project, plus all reasonable attorney fees incurred by Beta-Calco enforcing its patent rights, including fees already incurred in Beta-Calco's initial investigation.***

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Accordingly, as an alternative to expensive and protracted litigation, Beta-Calco demands that Camman Lighting immediately:

1. Cease and desist from any and all sales and/or advertising of any items that infringe Beta-Calco's intellectual property rights, including but not limited to the Infringing Products;
2. Provide all molds and tooling associated with the Infringing Products to Beta-Calco;
3. Provide the total number of each Infringing Product that Camman Lighting made, had made, purchased or imported (including any on order or being delivered but not yet received);
4. Provide the sales information for Infringing Products, including the identities of customers who purchased such products, the number of units purchased by each customer and the corresponding purchase price, including any overages.

Beta-Calco will be better positioned to determine an appropriate monetary compensation amount once it receives the information requested above.

Beta-Calco is entitled to maintain the exclusivity of its patented product line, which is unique to Beta-Calco and known to be indicative of Beta-Calco's high quality products. The sale of the Infringing Products by Camman Lighting causes Beta-Calco irreparable harm. Camman Lighting's entire product line should be reviewed in order to avoid further infringement of Beta-Calco's intellectual property.

Please provide a prompt confirmation of receipt of this letter and respond no later than **October 8, 2021**. Failure to respond by this deadline will prompt Beta-Calco to consider more aggressive options to protect its intellectual property.

Very truly yours,



Mark C. Johnson
Renner Otto